

57



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,897	06/29/2001	Osamu Toyama	48864-039	4937

7590 07/13/2005

MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

NGUYEN, PHU K

ART UNIT	PAPER NUMBER
----------	--------------

2673

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,897

Applicant(s)

TOYAMA ET AL.

Examiner

Phu K. Nguyen

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 17 is/are allowed.
- 6) ☒ Claim(s) 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 6/29/01.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by TAKEUCHI et al. (5,267,154).

As per claim 6, Takeuchi teaches the claimed “method for modifying, based on measured data, a first standard model and a second standard model to be joined to each other at corresponding points or corresponding lines”, comprising the steps of: “obtaining the measured data by three-dimensional measurement” (Takeuchi, column 8, lines 37-43; measurements of the biological human body); “modifying the first standard model in accordance with the measured data” (Takeuchi, column 6, lines 2-11) and “modifying the second standard model so as to be joined to the first standard model” (Takeuchi, column 6, lines 14-20; column 9, line 25 to column 10, line 5) “by using position information of the corresponding points or the corresponding lines of the modified first standard model” (Takeuchi, column 4, lines 62-66; column 10, lines 44; the head model is fitted with hair model, cloth model, ... base on the shape or points of human body).

Claim 7 adds into claim 6 “the first standard model is a model representing a human face” (Takeuchi, figure 3B; head model), the second standard model is a model representing human hair (Takeuchi, figure 3B; hair model) and the measured data is

Art Unit: 2673

obtainable by measuring a human face and human hair (Takeuchi, column 8, lines 37-43; measurements of the biological human body).

Claim 8 adds into claim 6 "a plurality of the second standard model may be used" (Takeuchi, the hair models, column 9, lines 25-28; cloth models; column 9, line 57 to column 10, line 39).

Claim 9 adds into claim 6 "the first standard model and the second standard model are three-dimensional shape model" (Takeuchi, column 8, lines 36-43; column 11, lines 51-56)

Claims 10-12 claim a device and method based on the method of claims 6-9; therefore, they are rejected under the same reason.

Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by KELLAS et al. (5,142,616).

As per claim 13, Kellas teaches the claimed "method for modifying a standard model based on measured data", comprising the steps of: "modifying a low-resolution standard model which is a model corresponding to the standard model and having a lower resolution than that of the standard model in accordance with the measured data" (Kellas, column 9, lines 1-4; the viewing image is a low-resolution model) and "modifying the standard model based on the modification of the low-

Art Unit: 2673

resolution standard model" (Kellas, column 12, lines 37-58; the high-resolution model is modified based on the modification of low-resolution model).

Claim 14 adds into claim 13 "the standard model and the low-resolution standard model are related to each other by means of a corresponding part provided in each of the standard model and the low-resolution standard model " (Kellas, the down converter of the standard model; column 8, line 64 to column 9, line 4) and "the standard model is modified by, after modifying the low-resolution standard model, changing a position of the corresponding part of the standard model in accordance with a position of the corresponding part of the modified low-resolution standard model" (Kellas, the high-resolution model is modified based on the modification of low-resolution model; column 14, lines 10-38).

Claim 15 adds into claim 13 "the standard model comprises a plurality of construction points, and the low-resolution standard model is prepared by reducing a number of construction points of the standard model" (Kellas, the high and low interpolation coefficients; column 14, lines 10-38).

As per claim 16, Kellas teaches the claimed "method for modifying a standard model having a plurality of control points defined thereon, wherein the standard model is modified by manipulating the control points", comprising the steps of: "modifying the standard model to be conformed to the measured data by changing positions of a part

Art Unit: 2673

of the plurality of control points defined on the standard model" (Kellas, the modification at a low resolution standard model; column 12, lines 24-36) and "modifying the modified standard model in order to have the standard model more conformed to the measured data by changing positions of a part of the plurality of control points whose number is larger than that of the part of the control points which have been used in the previous modification or by changing whole the plurality of control points" Kellas, the second modification can be applied in the high-resolution standard model; col. 13, lines 40-50).

Claims 1-5 and 17 are allowable.

The following is an examiner's statement of reasons for allowance: A method for modifying a standard model based on measured data, comprising the step of deciding whether to further modify the standard model or to finish the modification of the standard model based on integrated evaluation of two or more functions selected from a first function relating to a distance between the standard model and the measured data, a second function relating to a distance between a characteristic point defined on the standard model and a characteristic point specified on the measured data and corresponding to the characteristic point defined on the standard model and a third function relating to a distance between an outline defined on the standard model and an outline specified on the measured data and corresponding to the outline on the standard model.

Art Unit: 2673

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, bipin Shalwala can be reached on (571) 272 7681. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
July 10, 2005

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300